

**REMARKS**

By this amendment, claims 1-10, 14-19, 21-25, 29-39, 43-53 and 57 are pending, in which claim 43 is currently amended. No new matter is introduced.

The Office Action mailed December 13, 2005 rejected claims 1-13, 15-19, 21-28, 30-42 and 44-56 as obvious under 35 U.S.C. § 103 based on *Takagi et al.* (EP 0 903 905 A2) in view of *Baras et al.* ("Fast Asymmetric Internet Over Wireless Satellite-Terrestrial Networks," November 3, 1997) and in further view of *Jorgensen* (US Pub. No. 2002/0099854), and claims 14, 29, 43 and 57 as obvious under 35 U.S.C. § 103 based on *Takagi et al.* in view of *Baras et al.* in view of *Jorgensen* and in further view of *Srinivas* (US 6,823,387).

Applicants respectfully traverse the outstanding rejections on the merits, as next discussed.

Applicants amended claim 43 to correct a discovered informality; namely, the dependency is changed from claim 40 (canceled) to claim 30.

Claim 1 recites "wherein the spoofing apparatus maintains **a profile that contains the spoofing selection parameter and the spoofing parameters, the profile including a maximum segment size;** compensating for maximum segment size mismatch between the selected connection and a connection to an end host by **dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host." Independent claim 15 recites "wherein the spoofing apparatus has **a profile that specifies spoofing selection parameter and the spoofing parameters,** wherein the communication system is configured to route the information in accordance with the profile, **the profile including a maximum segment size,** wherein maximum segment size mismatch between the selected connection and a connection to an end host is compensated by **dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host." Claim 30 recites "means for maintaining **a profile containing the spoofing selection parameter and the spoofing parameters, the profile including a maximum segment size;** means for compensating for maximum segment size mismatch between the selected connection and a connection to an end host by **dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host."

Independent claim 44 recites “**compensate for maximum segment size mismatch between the selected connection and a connection to an end host by dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host.”

Applicants respectfully submit that these features are absent from *Takagi et al.*, *Baras et al.* and *Jorgensen*, alone or in combination. Namely, the Examiner conveniently ignores the claim language “based on the profile” in applying *Jorgensen*. Additionally, the claimed profile is not the “Relay Method Table” disclosed in *Takagi et al.*, as the Examiner suggests.

After several acknowledgements that the references of *Takagi et al.* and *Baras et al.* fail to disclose the above features, the Examiner now applies yet another reference, that of *Jorgensen*, citing paragraphs [0434] and [0364] for a supposed teaching of “**the profile including a maximum segment size; compensating for maximum segment size mismatch between the selected connection and a connection to an end host by dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host.. The cited passages state the following (Emphasis Added):

[0434] FIG. 12H depicts an exemplary CCB of a downstream transmission subframe 1202. The CCB comprises OAM&P commands sequenced by subscriber CPE station 294 per frame and frame synchronization. CCB 1232 includes a mode command subslot 1240a (includes options of what mode the CPE station is to take), **profile command subslot 1240b** (includes specific system commands, such as a patch for a module), control data index subslot 1240c (including download locations and memory requirements or other information needed by the CPE stations to download data), datablock 1 subslot 1240d (includes specific system data), datablock 2 subslot 1240e (same), datablock n subslot 1240f (same), and CRC subslot 1234e (error checking information).

[0364] TCP works over IP to provide end-to-end reliable transmission of data across data network 142. **TCP controls the amount of unacknowledged data in transit by dynamically reducing either window size or segment size.** The reverse is also true in that increased window or segment size values achieve higher throughput if all intervening network elements have low error rates, support the larger packets, and have sufficient buffering to support larger window sizes.

First, there is no disclosure that the “**the profile including a maximum segment size**”; the only thing of relevance to the claim within the cited passage of [0434] is the term “profile,” and this is described in an entirely different context, that of a “**profile command subslot 1240b.**” This command includes “specific system commands, such as a patch for a module.” Also, such command is unrelated to “**a maximum segment size.**”

Secondly, the passage of [0364] merely describes operation of the TCP protocol in which dynamic adjustment of window size and segment size is possible. However, this generic description falls short of disclosing or otherwise suggesting the specific feature of “dynamically resizing, **based on the profile, data segments.**” Even under the interpretation adopted by the Examiner, this would require that the profile command subslot 1204b direct the dynamic resizing of the data segments (much less using the mechanism of the Relay Method Table of *Takagi et al.*). *Jorgensen* provides no such support for this technical leap.

Furthermore, the Examiner applies the base reference of *Takagi et al.* for a disclosure of the claimed profile, referring to paragraph [0099] and FIGs. 6 and 7. This passage (along with the illustrations) pertains to a “Relay Method Table,” that specify a set of elements (i.e., source IP address, source port number, destination IP address and destination port number) for the purpose of identifying the TCP connection and the determined relay method. These relay methods can include “IP, TCP and Application.” It is clear that these methods cannot be considered “**spoofing selection parameter and the spoofing parameters**”; and thus, the claimed profile is not taught. Further, without any suggestion or motivation by any of the references, the Examiner additionally seeks to modify this “Relay Method Table” to specify “**a maximum segment size.**” This is the epitome of hindsight.

It is well settled that it is impermissible simply to engage in hindsight reconstruction of the claimed invention, using Applicant’s structure as a template and selecting elements from the references to fill in the gaps. *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Recognizing, after the fact, that a modification of the prior art would provide an improvement or advantage, without suggestion thereof by the prior art, rather than dictating a conclusion of obviousness, is an indication of improper application of hindsight considerations. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 397 F.2d 1011, 154 USPQ 173 (CCPA 1967).

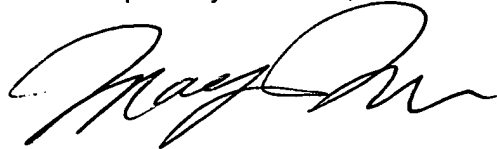
Even assuming the three references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combination does not render the claimed invention obvious. Specifically, none the references taken alone, or in combination, teaches or suggests “wherein the spoofing apparatus maintains **a profile that contains the spoofing selection parameter and the spoofing parameters, the profile including a maximum segment size;**

compensating for maximum segment size mismatch between the selected connection and a connection to an end host by **dynamically resizing, based on the profile, data segments** which comprise the information before forwarding the data segments to the end host.” Therefore, Applicants submit that the features of independent claims 1, 15, 30 and 44 are not satisfied, and urge the indication that such claims are allowable. In addition, claims 2-13, 16-19, 21-28, 30-42 and 45-56, which depend from the allowable independent claims, are also in condition for allowance.

As for the obviousness rejection of claims 14, 29, 43 and 57, the addition of *Srinivas* does not cure the deficiencies of *Takagi et al.*, *Baras et al.* and *Jorgensen*. Therefore, these dependent claims are allowable at least for the reasons for the allowability of the corresponding independent claims. Further, claims 14, 29, 43 and 57 are allowable on their own merits. *Srinivas* was applied for a supposed teaching of “wherein the profile further includes a parameter for disabling three-way handshake spoofing.” Assuming, *arguendo*, that the “Relay Method Table” can be reasonably interpreted as the claimed profile, there is no suggestion within *Srinivas* or *Takagi et al.* to modify the table as the Examiner proposes. Hence, the obviousness rejection of claims 14, 29, 43 and 57 is unsustainable.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Masayasu Mori, Reg. No. 47301

Craig L. Plastrik  
Attorney for Applicant  
Registration No. 41,254